



# COMMONWEALTH of VIRGINIA

## BOARD OF EDUCATION

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*Thomas M. Jackson, Jr.*  
*President*

January 20, 2005

The Honorable Raymond Simon  
Assistant Secretary  
Office of Elementary and Secondary Education  
United States Department of Education  
400 Maryland Avenue, S.W.  
Washington, D. C. 20202

Dear Assistant Secretary Simon:

At its January 19, 2005, meeting the Virginia Board of Education adopted proposed amendments to the Consolidated State Application Accountability Plan (amended May 26, 2004) required in the *No Child Left Behind Act of 2001 (NCLB)*. The purpose of this letter is to communicate the board's actions and ask the United States Department of Education (USED) to apply the waiver authority provided in Section 9401 of the federal law and approve Virginia's proposed revisions to the accountability plan. Virginia plans to implement the revised policies beginning in the 2004-2005 school year.

After two years of implementing NCLB, the Virginia Board of Education has identified certain procedures in implementing Adequate Yearly Progress policies that may result in unintended consequences for our students, schools, and school divisions. The success of Virginia's standards-based accountability program is due in large part to the willingness of policy makers to listen to practitioners and take steps to prevent unintended consequences. We have demonstrated through the Standards of Learning accountability program, which has been in place since 1995, that accountability with flexibility is the best approach to increasing student achievement of all students in a fair and equitable manner. We believe a flexible approach to implementing the goals and intent of NCLB will ensure the future success of this federal accountability program.

The Honorable Raymond Simon  
January 20, 2005  
Page 2

A summary of Virginia's proposed amendments and the corresponding revisions to the accountability workbook and consolidated applications are attached. Virginia's proposed amendments fall into five major areas:

- (1) application of the "other academic indicator" (in addition to performance and participation on the reading and mathematics tests) that is used to make AYP determinations when safe harbor is not invoked,
- (2) how states determine if a school or school division makes AYP and enters improvement status,
- (3) use of test scores from multiple administrations,
- (4) testing and AYP calculation policies for limited English proficient students, and
- (5) testing and AYP calculation policies for students with disabilities.

The attachment describes each proposed amendment, the current NCLB policy approved for Virginia, and the rationale for the proposed request. In addition, the amended workbook pages are attached highlighting in bold print and strikethrough format the changes proposed. Amendments are reflected in Critical Elements 1.6, 3.2, 4.1, 5.3, 5.4, 5.5, 6.1, 7.1, 8.1, and 10.2. Amended pages to the Consolidated State Application related to the testing of limited English proficient students and the amount of federal funds the state will reserve for immigrant youth and children are also included.

I look forward to discussing with you Virginia's request to amend its NCLB accountability plan under the authority provided in Section 9401. Your consideration and approval of Virginia's request are appreciated. If you have questions, please contact me or Dr. Jo Lynne DeMary, Superintendent of Public Instruction, at 804-225-2023. You may also contact Dr. Patricia Wright, deputy superintendent, by e-mail at [Patricia.Wright@doe.virginia.gov](mailto:Patricia.Wright@doe.virginia.gov) or by phone at 804-225-2979.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas M. Jackson". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Thomas M. Jackson  
President, Board of Education

Attachments

cc: Jo Lynne DeMary  
Superintendent of Public Instruction